IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21270 of 1994

Between:

K.Mahaboob Saheb, S/o. Dastagiri saheb,
Marrimakulapalli(V), Punganur(M),
Chittoor Dist.

..... PETITIONER

AND

The Mandal Revenue Officer,
Punganur, Chittoor Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the Respondent in ROC.B/937/93, dt.6-7-1994 as illegal, arbitrary ,beyond the jurisdiction vested in it and violative of the principles of natural justice and to pass.

Counsel for the Petitioner:MR.E.KALYANRAM

Counsel for the Respondent: G.P. for Revenue.

The Court made the following :

ORDER:

Heard both sides.

The petitioner, who claims to be an assignee, has been granted patta on 25.07.1989, files this writ petition, *inter alia,* seeking to assail the impugned order dated 06.07.1994 passed by the respondents herein.

The case of the petitioner is that in fact he was not aware nor was intimated about such cancellation orders passed on 06.07.1994 which is only during the civil proceedings pending between the parties in O.S.No.309 of 1993 on the file of the Principal District Munsif Court, Punganur and when he came to know about the said proceedings, immediately he approached this Court. This Court had granted interim stay.

Having heard the counsel on both the sides and on perusal of the material, it is seen that as against the said orders, the petitioner has got a regular remedy of appeal to the concerned Revenue Divisional Officer, which is more efficacious and alternative. In view of the same, the very writ petition filed under Article 226 of the Constitution of India is not maintainable.

The writ petition is accordingly dismissed with a liberty to the petitioner to file an appeal before the concerned Revenue Divisional Officer within a period of six

weeks from today and on receipt of it, the appellate authority shall dispose of the same within a period of three months thereafter after giving notices and opportunity to both the sides. It is needless to mention that the interim stay granted by this Court in W.P.M.P.No.26387 of 1997, dated 05-12-1994 shall continue to remain in operation till the disposal of the appeal.

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B. PRAKASH RAO, J

3rd February 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1.The Mandal Revenue Officer,
Punganur, Chittoor Dist.

2.Two C.Cs. to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).

3.Two C.D. copies.